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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,776	10/31/2003	Alyson Probst Simon	5183-1	1725

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EXAMINER	
WILKENS, JANET MARIE	

ART UNIT	PAPER NUMBER
3637	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,776	SIMON, ALYSON PROBST	
	Examiner	Art Unit	
	Janet M. Wilkens	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 31 October 2003 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 1/7,3/29, 8/3,2004.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the latch, snap, hook, clasp, C-channel, magnet, sleeve and loop fastening means and the games, wipe on/off board, chalk board, television set and computer monitor interactive devices must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

(Namely, it is improper to have the phrase "the present invention" in the abstract.)

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the full ranges of the dimensions between the edges and on the drink holder are not disclosed in the specification (see claims 9 and 17).

The use of the trademark VELCRO has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

Claim 14 is objected to because of the following informalities: the latch is claimed twice. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Marquis. Marquis teaches a tray (16) comprising: a surface (21,22) that is defined by a left edge, a right edge, an interior edge, and an exterior edge, wherein said surface is adapted for positioning over the lap of a child sitting in a child's seat; a left fastening mechanism/hook and loop fastener (27,29) interconnected proximate to said left edge of said surface, wherein said left fastening mechanism is adapted for selective interconnection to the left arm of the child's seat; a right fastening mechanism/ hook and loop fastener (26,28) interconnected proximate to said right edge of said surface, wherein said right fastening mechanism is adapted for selective interconnection to the right arm of the child's seat; and a substantially rigid panel (21 or 22) integrated into said surface, wherein said substantially rigid panel is positioned proximate to the child's lap and is adapted to support at least one of a toy, a book, and a play device when said left

fastening mechanism and said right fastening mechanism are selectively interconnected to the left arm and the right arm of the child's seat.

Claims 10, 11, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Richard. Richard teaches a tray (Fig. 1) comprising: a surface (20) that is defined by a left edge, a right edge, an interior edge, and an exterior edge, wherein said surface is adapted to drape over the lap of a seated child; a left fastening means (50,52,54) interconnected to said left edge, wherein said left fastening means is "adapted to" selectively interconnect proximate to the left arm of the child's seat; a right fastening means (40) interconnected to said right edge, wherein said right fastening means is "adapted to" selectively interconnect proximate to the right arm of the child's seat; a substantially rigid panel (32) that is interconnected to said surface between said left edge and said right edge; at least one drink securing means (30) that is generally cylindrical with a bottom surface, and which is interconnected to said surface, wherein access is gained through an aperture integrated into said surface; and at least one pocket (34) that spans approximately from said external edge to said internal edge and positioned proximate to said left edge or said right edge, said at least one pocket adapted for at least one of a toy, a diaper, a bottle, a writing device, a piece of paper, a book, and a food item. Note: the tray is not being claimed in combination with the seat. Also toys (18) can be used as a part of a game and the cup holder could be removed, if desired.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquis in view of Hasegawa. As stated above, Marquis teaches the limitations of claim 1, including a tray surface. Marquis further teaches a cup opening. However, Marquis fails to teach a drink holder with a cylindrical side wall and bottom surface in the cup opening. Hasegawa teaches a drink holder (11) with a cylindrical side wall (14) and bottom surface (25) in a cup opening. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tray of Marquis by adding a drink holder in its cup opening, such as is taught by Hasegawa, to provide additional support to the cup/receptacle inserted in the opening, to allow smaller cups/receptacles to be held in the cup opening, etc.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marquis in view of Ostermann et al. As stated above, Marquis teaches the limitations of claim 1, including a tray surface with left and right edges. Marquis fails to teach left and right pockets proximate the edges. Ostermann teaches pockets (61,66) attachable to the edges of a tray via fasteners. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tray of Marquis by adding pockets adjacent

the left and right edges, such as is taught by Ostermann, to provide storage space with the tray.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquis in view of Eagan. As stated above, Marquis teaches the limitations of claim 1, including a tray surface. Marquis fails to teach that the rigid panel is selectively interconnected to the surface (for claim 4) and fails to teach an interactive device on the tray (for claim 7). Eagen teaches rigid panels (22A-B) selectively interconnected to a tray surface. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tray of Marquis by adding selectively interconnected panels to the surface, such as is taught by Eagan, to provide activities usable on the tray.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquis in view of Hasegawa and Vulpitta et al. As stated above, Marquis teaches the limitations of claim 1, including a tray surface. Marquis further teaches a cup opening. However, Marquis fails to teach a drink holder with a cylindrical side wall and bottom surface in the cup opening and fails to teach plural cup openings/drink holders . Hasegawa teaches a drink holder (11) with a cylindrical side wall (14) and bottom surface (25) in a cup opening. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tray of Marquis by adding a drink holder in its cup opening, such as is taught by Hasegawa, to provide additional support to the cup/receptacle inserted in the opening, to allow smaller cups/receptacles to be held in the cup opening, etc. It would have also been obvious to provide plural cup openings/drink holders (one on each outside portion of a respectively panels 21,22),

since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v Bemis Co., 193 USPQ 8.* and plural cup openings/drink holders would allow an additional drink to be held on the tray. Furthermore, Marquis in view of Hasegawa fails to teach left and right mesh pockets. Vulpitta teaches the use of a mesh pocket (23) on a tray. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tray of Marquis by adding pockets, such as is taught by Vulpitta on the outer left and right portions thereof, to provide storage space with the tray.

For claim 9, to dimension the tray surface and cup holder any of a number of different lengths, diameters, depths etc would have been an obvious design consideration to one of ordinary skill in the art, depending on the intended use of the tray, personnel preferences, etc.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marquis. As stated above, Marquis teaches the limitations of claim 1, including a tray surface with right and left fastening means/ hook and loop fasteners. Marquis fails to teach that the fasteners are latches, snaps, hooks, clasp, C-channels, magnet, sleeves or loops. The examiner takes Official notice that these types of fasteners are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tray of Marquis by using alternate fastening means thereon, since these means would be functional equivalents and it appears that numerous fastening means would work equally well between the tray and seat of Marquis.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richard in view of Eagan. As stated above, Richard teaches the limitations of claim 10, including a tray surface. Richard fails to teach that the rigid panel is selectively interconnected to the surface. Eagen teaches rigid panels (22A-B) selectively interconnected to a tray surface. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tray of Richard by adding selectively interconnected panels to the surface, such as is taught by Eagan, to provide activities usable on the tray.

Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard. As stated above, Richard teaches the limitations of claim 10, including a tray surface. For claim 15, Richard fails to teach that the fastening means include hook and loop fasteners. The examiner takes Official notice that hook and loop fasteners are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fastening means of Richard by using hook and loop fasteners in place of the buckles (70), to provide a more readily detachable/attachable connector means between the straps. Note: these means are functional equivalents and either would work equally well between the straps of Richard.

For claim 17, to dimension the tray surface and cup holder any of a number of different lengths, diameters, depths etc would have been an obvious design consideration to one of ordinary skill in the art, depending on the intended use of the tray, personnel preferences, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. (Beginning April 7, 2005: (571) 272-6869) The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
March 21, 2005

JANET M. WILKENS
PRIMARY EXAMINER
AU 3637